



City of NORFOLK

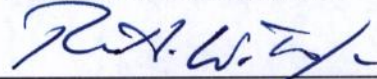
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

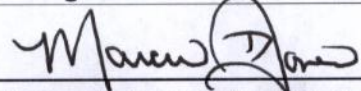
May 12, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception for the sale of alcoholic beverages for off-premises consumption at 325 West 21st Street, Suite B – Bottle Box**

Reviewed: 
Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – sale of alcoholic beverages for off-premises consumption.
- IV. **Applicants:** Stephanie Weil and Melissa Duenke
- V. **Description:**
 - This application is for a new business, Bottle Box, which proposes to occupy a currently vacant space within the Palace Shops shopping center.
 - The applicant is requesting to sell alcoholic beverages for off-premises consumption, with options to create custom four or six-packs as well as growlers (32 ounces and greater).

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages for Off-Premises Consumption	11:00 a.m. until 10:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday and Saturday 11:00 a.m. until 8:00 p.m., Sunday

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated April 23, 2015 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

Planning Commission Public Hearing: April 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Chris Whitney, CFM

Staff Report	Item No.	12
Address	325 West 21 st Street, Suite B	
Applicant	Bottle Box	
Request	Special Exception	Sale of alcoholic beverages for off-premises consumption
Property Owner	The Palace Shops South, LLC	
Site Characteristics	Site Area	1,025 sq. ft.
	Zoning	C-2 (Corridor Commercial) and PCO-21 st (Pedestrian Commercial Overlay District-21 st Street)
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	C-2 & PCO-21 st : The Palace Shops, restaurants, offices
	East	C-2 & PCO-21 st : The Palace Shops, restaurants, offices
	South	C-2 & PCO-21 st : Maury High School
	West	C-2 & PCO-21 st : The Palace Shops, restaurants, offices



A. Summary of Request

- This application is for a new business, Bottle Box, which proposes to occupy a currently vacant space within the Palace Shops shopping center.
- The applicant is requesting to sell alcoholic beverages for off-premises consumption, with options to create custom four or six-packs as well as growlers (32 ounces and greater).
- The site is located along the 21st Street Commercial Corridor, with various commercial, office, residential, and institutional uses nearby.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 and PCO-21st districts by special exception.

	Proposed
Hours of Operation	11:00 a.m. until 10:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday and Saturday 11:00 a.m. until 8:00 p.m., Sunday
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	Same

ii. Parking

This establishment is located within the Palace Shops shopping center, which provides adequate on-site parking.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

No additional trips are forecast related to the proposed addition of off-premises alcohol sales to the existing commercial zoning on the site.

E. Impact on the Environment

The site must continue to comply with all the standards set forth in the *Zoning Ordinance of the City of Norfolk, 1992*.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- The application was sent to the Ghent Neighborhood League and Ghent Business Association on March 31.
- The applicant contacted the Ghent Business Association on November 19, 2014 and December 4, 2014

I. Communication Outreach/Notification

- Legal notice was posted on the property on March 17.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Legal notification was placed in *The Virginian-Pilot* on April 9 and April 16.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation and for the sale of alcoholic beverages for off-premises consumption shall be from 11:00 a.m. until 10:00 p.m. Monday through Thursday, 11:00 a.m. until 12:00 a.m. Friday and Saturday, and 11:00 a.m. until 8:00 p.m. Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than four (4) bottles or cans, with the exception of refillable containers at least 32 oz. capacity. No wine shall be sold in containers less than 375 ml each.

- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Ghent Neighborhood League
Notice to the Ghent Business Association

Proponents and Opponents


Proponents

Stephanie Weil – Applicant
325 W. 21st Street, Suite B
Norfolk, VA 23517

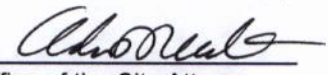
Melissa Duenke – Applicant
325 W. 21st Street, Suite B
Norfolk, VA 23517

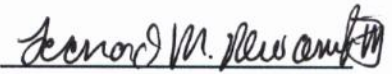
Opponents

None

Form and Correctness Approved: 

Contents Approved: CW

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "BOTTLE BOX" ON PROPERTY LOCATED AT 325 WEST 21ST STREET, SUITE B.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Bottle Box, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Bottle Box" on property located at 325 West 21st Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 26 feet, more or less, along the southern line of West 21st Street, beginning 180 feet, more or less, from the western line of Llewellyn Avenue and extending westwardly; premises numbered 325 West 21st Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 10:00 p.m. Monday through Thursday, from 11:00 a.m. until 12:00 midnight on Friday and Saturday, and from 11:00 a.m. until 8:00 p.m. on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until

a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than four (4) bottles or cans with the exception of refillable containers of at least 32 oz. capacity. No wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served

adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 03/09/15

Name of business: Bottle Box

Address of business: 325 West 21st Street, Suite B, Norfolk, VA 23517

Name(s) of business owner(s)*: Stephanie Weil and Melissa Duenke dba Bottle Box, LLC

Name(s) of property owner(s)*: Claus Ihlemann

Name(s) of business manager(s)/operator(s): Stephanie Weil and Melissa Duenke

Daytime telephone number (757) 918-9932

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 11 am To 10 pm

Friday From 11 am To 12 am

Saturday From 11 am To 12 am

Sunday From 11 am To 8 pm

Alcoholic Beverage Sales

Weekday From 11 am To 10 pm

Friday From 11 am To 12 am

Saturday From 11 am To 12 am

Sunday From 11 am To 8 pm

2. Type of alcoholic beverage applied for:

☒ Beer ☐ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

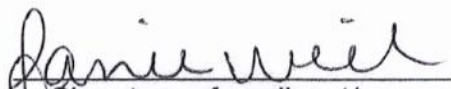
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Bottles will be priced individually so the customer can create custom 4-
or 6 packs.


Signature of applicant/owner

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510

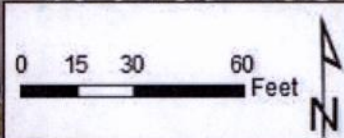
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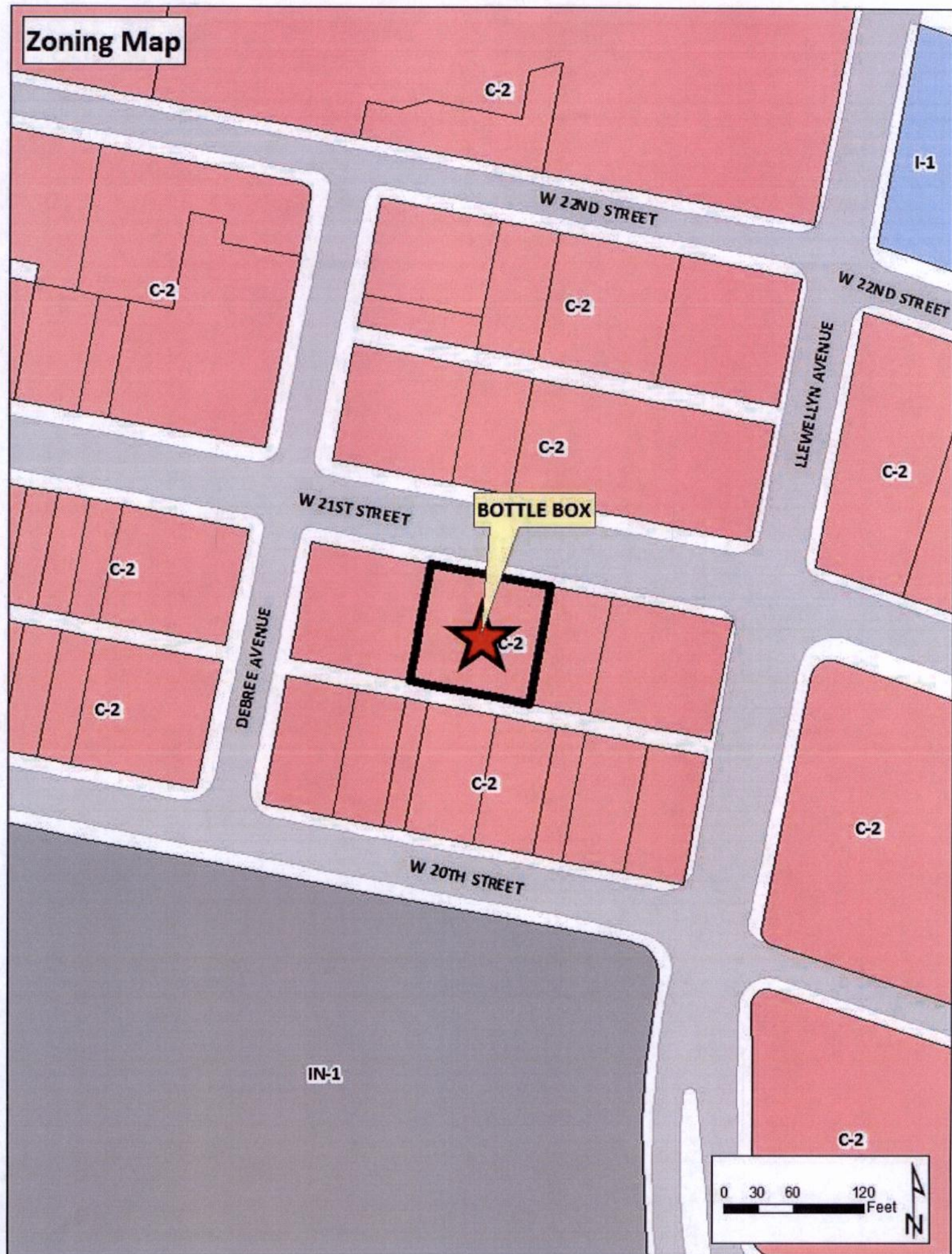
Location Map



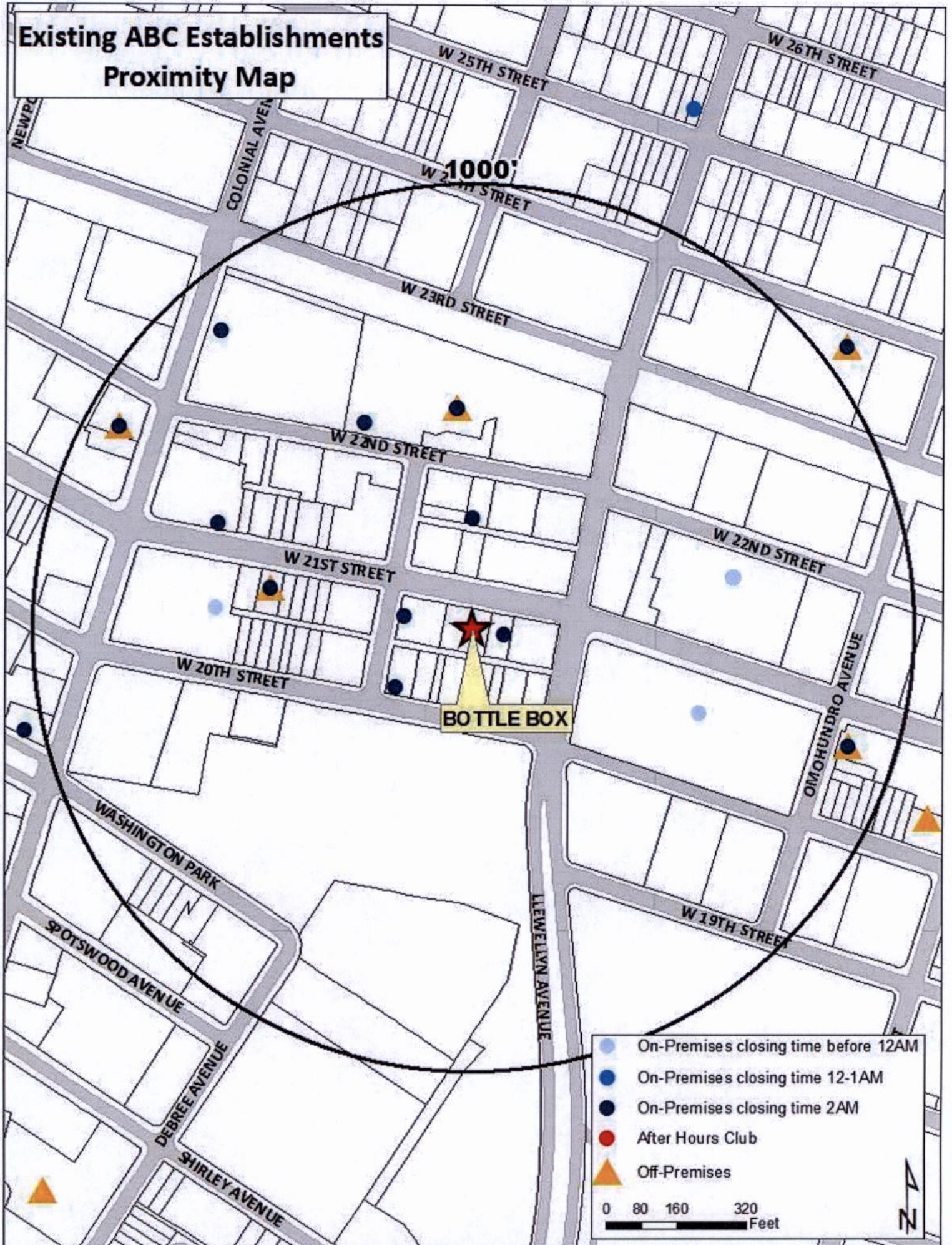
BOTTLE BOX



Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 03/09/2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 325-B (Street Name) West 21st Street

Existing Use of Property Vacant

Current Building Square Footage 1027

Proposed Use Craft beer gourmet retail shop

Proposed Building Square Footage 1027

Trade Name of Business (If applicable) Bottle Box

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Weil (First) Stephanie (MI) G

Mailing address of applicant (Street/P.O. Box): 4029 Tarnywood Lane

(City) Portsmouth (State) VA (Zip Code) 23703

Daytime telephone number of applicant (703) 507-2533 Fax ()

E-mail address of applicant: stephaniegoodie@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax ()

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - o Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: PALACE SHOPS SOUTH LLC Sign: [Signature] 3/5/2015
(Property Owner or Authorized Agent of Signature) CLAUDE HLEMAN (Date)

Print name: Stephanie G. Weil Sign: [Signature] 3, 9, 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: 3, 9, 15
(Authorized Agent Signature) (Date)
Melissa DuRue



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2. Type of alcoholic beverage applied for:

☒ Beer ☐ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

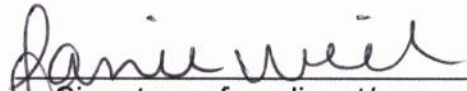
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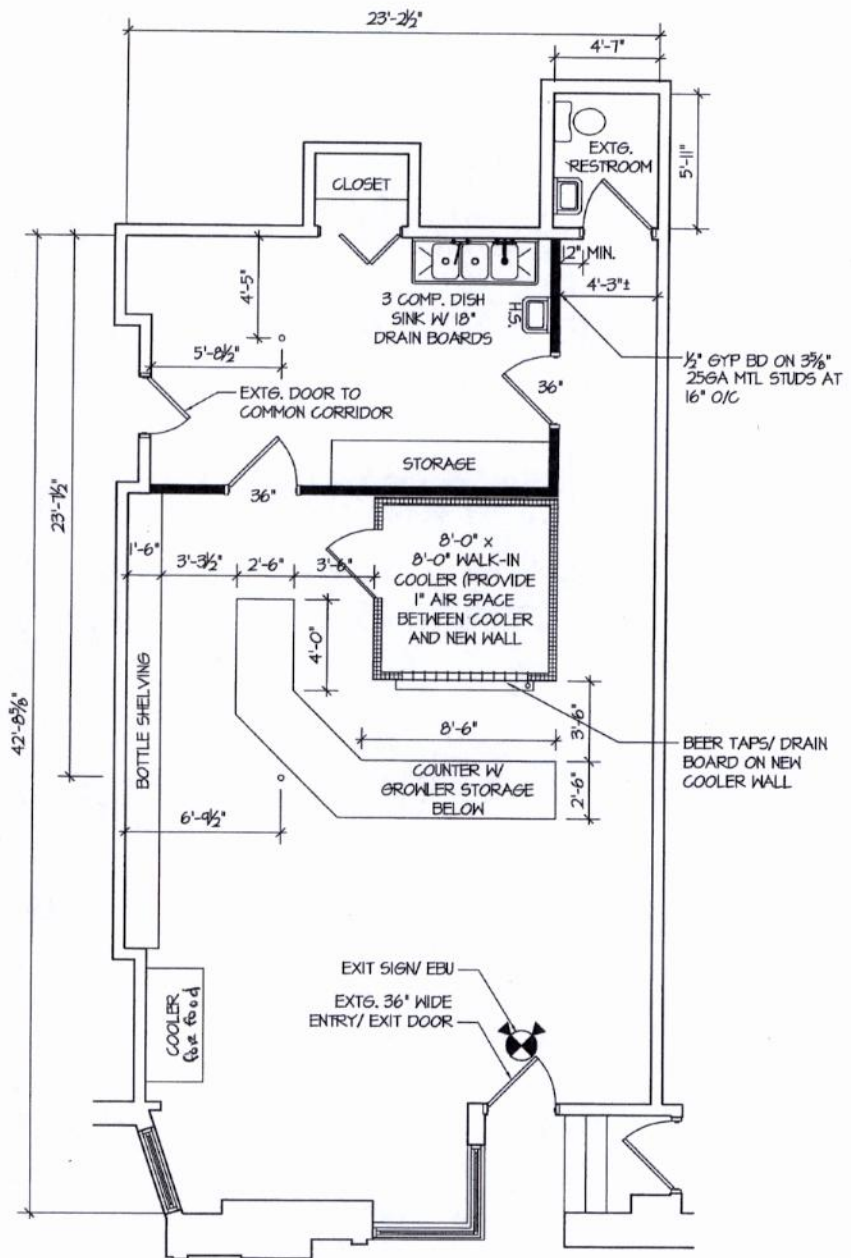
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Signature of applicant/owner

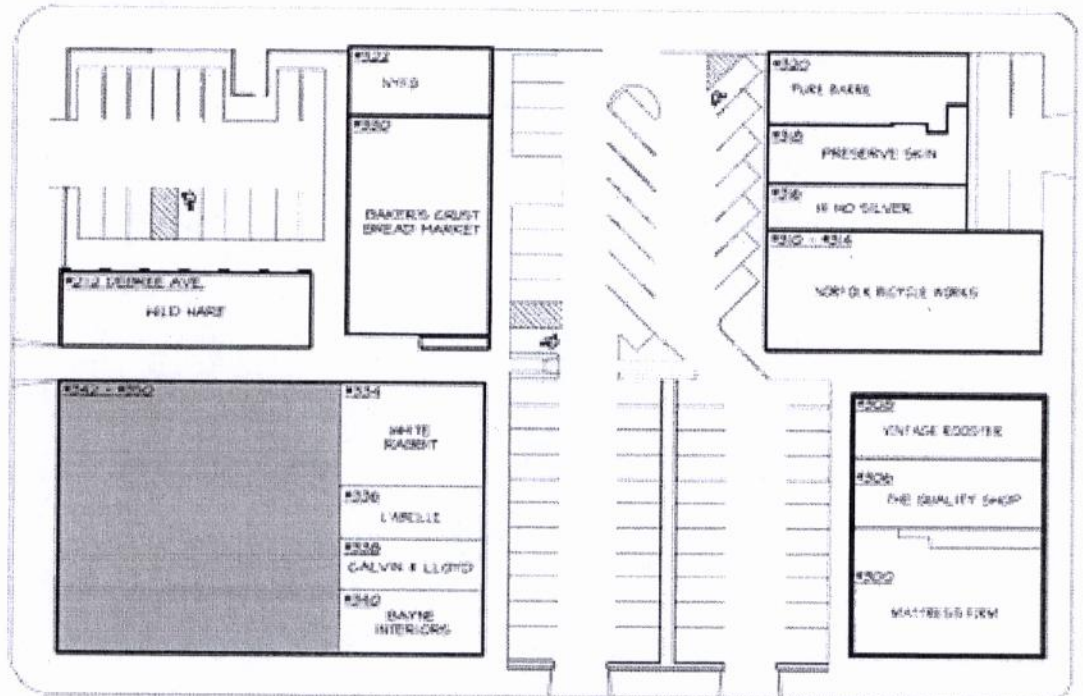


FLOOR PLAN

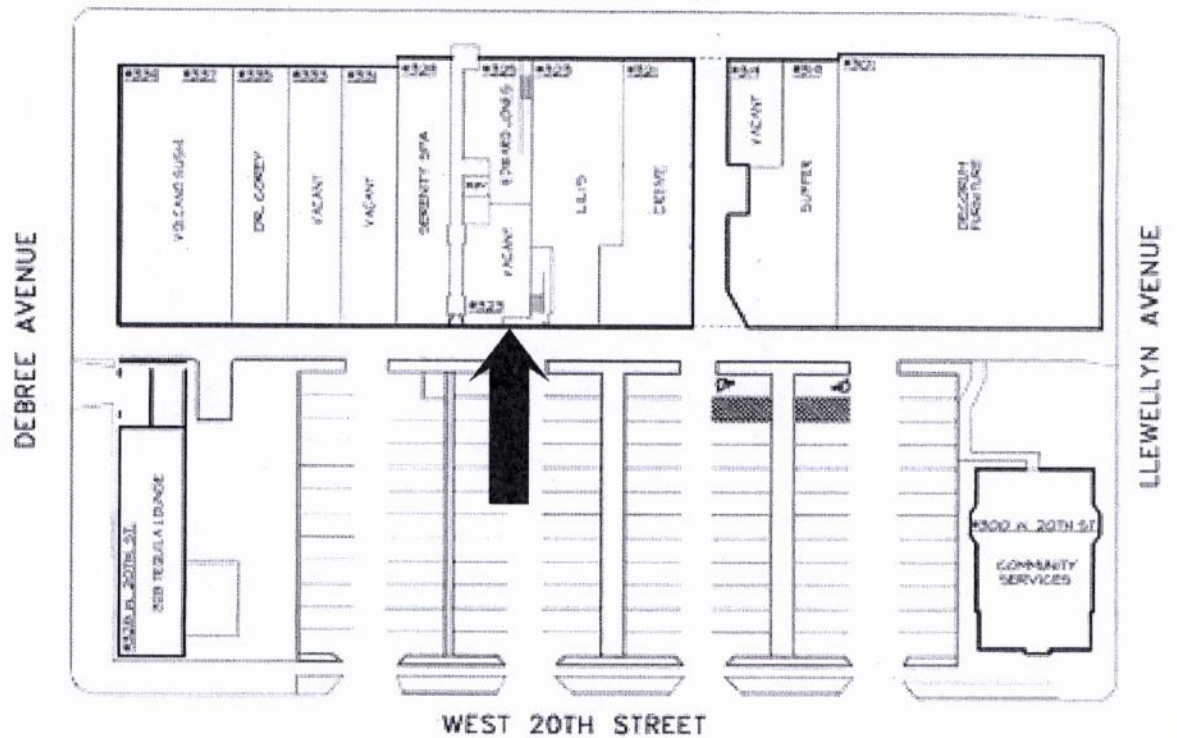
1/8" = 1'-0"

1,025 SF

WEST 22ND STREET



WEST 21ST STREET



WEST 20TH STREET

THE PALACE SHOPS

LLEWELLYN AVENUE

THE PALACE SHOPS

Whitney, Chris

From: Whitney, Chris
Sent: Tuesday, March 31, 2015 1:21 PM
To: 'hconde@cox.net'
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise
Subject: Special Exception application for Bottle Box
Attachments: application.pdf

Mr. Conde,

Attached please find an application for a special exception for the sale of alcoholic beverages for off-premises consumption on property located at 325 W. 21st Street, Suite B.

This item is tentatively scheduled for the April 23, 2015 City Planning Commission public hearing.

Should you have any questions, you can respond to this e-mail or call me at (757) 823-1253.

Thank you,

Chris Whitney, CFM
Management Analyst I
City of Norfolk | Department of City Planning
810 Union St. Ste. 508
Norfolk, VA 23510
(757) 823-1253

Whitney, Chris

From: Whitney, Chris
Sent: Tuesday, March 31, 2015 1:37 PM
To: 'ian_holder@ml.com'
Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise
Subject: Special Exception application for Bottle Box
Attachments: application.pdf

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Chris Whitney, CFM

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